

person or persons through whose lands the said road may pass, by opening of the same, and the damages so ascertained, or in the event of their being ascertained by a jury, shall be levied and assessed as other county charges are, and shall be paid over to the person or persons entitled to the same.

1811.

sustained A-
mount to be le-
vied on the
county.

AND BE IT ENACTED, That if any person or persons through whose lands the said road may pass, or his or their guardian or trustee, conceive himself, herself, or themselves aggrieved by such valuation or assessment of damages by said commissioners, it shall and may be lawful for any justice of the peace of said county, on his or their application, to issue his warrant, under his hand and seal, directed to the constable of the hundred, commanding him to summon twelve disinterested men, qualified by law to serve as jurors in the county court, to meet upon the premises upon a certain day, of which ten days notice shall be given to the party or parties interested; and that the said jurors, when so met, and having each first taken an oath before some justice of the peace, that he will, without favor or affection, prejudice or partiality, assess the damages sustained by the person or persons at whose request such inquisition shall be taken, by reason of opening the aforesaid road through his, her or their lands, shall thereupon proceed to assess and value the damages accordingly, taking into consideration the advantages and disadvantages (if any,) and such inquisition or valuation shall be final and conclusive; but, should the jury award a smaller sum for damages than the commissioners had previously done, then in that case, the person or persons at whose instance it was held, shall pay all the legal costs and charges of said inquisition; but if, on the contrary, they should award a larger sum, then the costs of such inquisition shall be paid by the county.

Persons consid-
ering them-
selves aggrieved
by the commis-
sioners in their
valuation of
damages, may
apply to a jus-
tice of the
peace, who shall
issue his war-
rant for the
summon of 12
jurors to value
the damages
sustained.

AND BE IT ENACTED, That the said commis-
sioners before they shall proceed to act, shall take an
oath before some justice of the peace, of the same
tenor and effect as is heretofore directed to be taken
by the jurors.

Commissioners
shall take an
oath.

AND BE IT ENACTED, That no person or per-
sons through whose land the said road shall pass, and
who have agreed or signed the petition for the same,
shall be entitled to any damages by this act.

Persons having
signed the peti-
tion shall not
be entitled to
damages.